

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

**VIA ECF**

January 9, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge  
Thurgood Marshall U.S. Courthouse, Room 430  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001, 03 MDL 1570 (GBD) (SN)*

Dear Judge Netburn:

The Plaintiffs' Executive Committees, along with counsel for the *Ashton* Plaintiffs, write regarding Plaintiffs' December 20, 2023 submissions [filed at ECF Nos. 9486, 9484, 9488, 9490 and accompanying Exhibits] responding to Saudi Arabia's October 6, 2023 "Renewed Motion to Dismiss" [ECF No. 9368] and Dallah Avco's October 6, 2023 "Renewed Motion to Dismiss or in the Alternative for Summary Judgment" [ECF No. 9362]. Plaintiffs request the Court's authorization to re-file Plaintiffs' submissions with corrections to errata in the same manner the Court authorized, at ECF No. 9388, for Saudi Arabia's original motion. Saudi Arabia and Dallah Avco have indicated that they do not oppose Plaintiffs' request.

In a review of their submissions, Plaintiffs have identified errata in the Averment of Facts and Evidence (ECF No. 9488-1), in the content and numbering of Exhibits identified in the Declarations of Robert T. Haefele (ECF No. 9488) and James Gavin Simpson (ECF No. 9490), and in a smaller number of instances in the Memoranda of Law (ECF Nos. 9486 and 9484).

Plaintiffs are committed to making the necessary corrections to each of the documents as expeditiously as possible. Plaintiffs respectfully request the Court's approval to re-file their corrected Memoranda of Law, Averment, and Attorney Declarations via ECF, to re-file their corrected Exhibits with the Court by the same means previously authorized, ECF No. 9479 (i.e., hand-delivery of USB-enabled drives, in coordination with the Clerk's office), and to serve counsel for Saudi Arabia and Dallah Avco electronically with all the corrected filings. Plaintiffs will list the corrections individually in an accompanying Errata Sheet.

Several exhibit-related issues were indicated in Plaintiffs' original submissions to the Court by means of asterisks (\*), in particular where documents in the Arabic language were awaiting certified translations. All final translations and accompanying certificates with these issues resolved will be included in Plaintiffs' re-filing.

Similarly, several errata were addressed in an email exchange between Plaintiffs and Defendants on December 21, 2023, comprising clerical errors made when adding Exhibit references and cross-references between Plaintiffs' Memoranda of Law and the Averment. These acknowledged clerical errors, along with others of a similar nature that Plaintiffs advised Defendants would be revised in due course, will also be included in Plaintiffs' re-filing.

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Plaintiffs address this request to Your Honor in line with the Court's guidance regarding "further applications with regard to the parties' submissions," ECF No. 8896, at 2. Plaintiffs' request is consistent with the precedent established when Saudi Arabia identified Errata to its October 6, 2023 Motion papers, *see* ECF 9385, leading to Your Honor's Order that parties' submissions should be corrected and re-filed, ECF No. 9388. Plaintiffs' request is also timely compared to Saudi Arabia's re-filing with due corrections, three weeks after the filing of its original papers, ECF No. 9390.

Respectfully submitted,

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cc: The Honorable George B. Daniels, via ECF